

formed under this agreement was to continue for ten years from the date thereof; and the mode in which the business of the concern was to be conducted; the capital to be furnished by the parties of the first and second part; and the terms and proportions in which the profits were to be divided between them, are all particularly specified in the contract itself.

On the 22d of October, 1828, *William O'Hara* filed his petition, in which he stated, that during the term of his sheriffalty of Anne Arundel county, four writs of *fieri facias* from Anne Arundel County Court against *The Cape Sable Company*, one at the suit of *Samuel C. Love*, another at the suit of *George Slye*, a third at the suit of *Luke W. Barber*, and a fourth at the suit of *Thomas Barber*, with another writ of *fieri facias* from Baltimore County Court against *The Cape Sable Company*, at the suit of *Robert Oliver*, surviving partner of *John Oliver*, were delivered to him to be executed; that he levied them accordingly, and advertised the property of *The Cape Sable Company* so taken for sale; but was restrained from proceeding further by the injunction issued in this case; that afterwards, under the decree of this court, all the property of *The Cape Sable Company* was sold; and that his poundage fees have not yet been paid. Whereupon he prayed that they might be paid out of the proceeds of sale, &c.

5th November, 1828.—BLAND, Chancellor.—Ordered, that the matter of the foregoing petition stand for hearing on the fifth day of December next; provided that a copy of this order, together with a copy of the said petition, be served on the respective parties in this suit, or their solicitors, on or before the seventeenth day of the present month.

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Copies having been served as required by this order, the matter was at the time appointed for the hearing brought before the court.

15th December, 1828.—BLAND, Chancellor.—The petition of *William O'Hara* standing ready for hearing, and his solicitor having been heard, and no one appearing for any of the parties, although notice had been given as required, the proceedings were read and considered.

It appears that the petitioner, as sheriff of Anne Arundel county, executed five writs of *fieri facias* against *The Cape Sable Company*. It is not shewn when any of these writs came to his hands. From his return it appears, that they were all laid together on certain real and personal property as per schedule; but on what day, is not said.